

**House File 365 - Introduced**

HOUSE FILE 365

BY KLEIN

**A BILL FOR**

1 An Act providing for the home delivery of alcoholic beverages  
2 by retailers.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 123.46A Delivery of alcoholic  
2 beverages by retailers.

3 1. Licensees and permittees authorized to sell alcoholic  
4 liquor, wine, or beer in original unopened containers for  
5 consumption off the licensed premises may deliver alcoholic  
6 liquor, wine, or beer to a home or other designated location in  
7 this state. Deliveries shall be limited to alcoholic beverages  
8 authorized by the licensee's or permittee's license or permit.

9 2. All deliveries of alcoholic liquor, wine, or beer shall  
10 be subject to the following requirements and restrictions:

11 a. Payment for the alcoholic liquor, wine, or beer shall be  
12 received on the licensed premises at the time of order.

13 b. Alcoholic liquor, wine, or beer delivered to a person  
14 shall be for personal use and not for resale.

15 c. Deliveries shall only be made to persons in this state  
16 who are twenty-one years of age or older.

17 d. Deliveries shall not be made to a person who is  
18 intoxicated or is simulating intoxication.

19 e. Deliveries shall occur during the hours in which  
20 alcoholic liquor, wine, or beer may be lawfully sold.

21 f. Delivery of alcoholic liquor, wine, or beer shall be made  
22 by the licensee or permittee, or the licensee's or permittee's  
23 employee, and not by a third party.

24 g. Delivery personnel shall be eighteen years of age or  
25 older.

26 h. Deliveries shall be made in a vehicle owned, leased, or  
27 under the control of the licensee or permittee.

28 i. Valid proof of the recipient's identity and age shall  
29 be obtained at the time of delivery, and the signature of a  
30 person twenty-one years of age or older shall be obtained as a  
31 condition of delivery.

32 j. Licensees and permittees shall maintain records  
33 of deliveries which include the quantity delivered, the  
34 recipient's name and address, and the signature of the  
35 recipient of the alcoholic liquor, wine, or beer. The records

1 shall be maintained on the licensed premises for a period of  
2 three years.

3 3. A violation of this section or any other provision of  
4 this chapter shall subject the licensee or permittee to the  
5 penalty provisions of section 123.39.

6 4. Nothing in this section shall impact the direct shipment  
7 of wine as regulated by section 123.187.

8 EXPLANATION

9 This bill authorizes the home delivery of alcoholic  
10 beverages by retailers.

11 The bill provides that a licensee or permittee authorized  
12 to sell liquor, wine, or beer in original unopened containers  
13 for consumption off the licensed premises may deliver it to a  
14 home or other designated location in Iowa. Deliveries shall be  
15 limited to alcoholic beverages authorized by the licensee's or  
16 permittee's license or permit.

17 The bill states that deliveries shall be subject to several  
18 requirements and restrictions. Specifically, payment for  
19 the liquor, wine, or beer shall be received on the licensed  
20 premises at the time of order; liquor, wine, or beer shall be  
21 for personal use and not for resale; deliveries shall only  
22 be made to persons in this state who are 21 or older; and  
23 deliveries shall not be made to a person who is intoxicated or  
24 is simulating intoxication. Additionally, deliveries shall  
25 occur during the hours in which liquor, wine, or beer may be  
26 lawfully sold and shall be made by the licensee or permittee,  
27 or the licensee's or permittee's employee. Delivery personnel  
28 are required to be 18 or older. Further, deliveries shall  
29 be made in a vehicle owned, leased, or under the control of  
30 the licensee or permittee, valid proof of the recipient's  
31 identity and age shall be obtained at the time of delivery and  
32 the signature of an adult shall be obtained as a condition  
33 of delivery, and licensees and permittees are required to  
34 maintain records of deliveries which include the quantity  
35 delivered, recipient's name and address, and the signature of

1 the recipient of the liquor, wine, or beer.

2 The bill states that these records shall be maintained on  
3 the licensed premises for a period of three years, and that  
4 the bill's provisions do not impact provisions regulating the  
5 direct shipment of wine in Code section 123.187.

6 The bill provides that a violation of the bill's provisions,  
7 or any other provision of Code chapter 123, shall subject the  
8 licensee's or permittee's license or permit to the penalty  
9 provisions of Code section 123.39, which include possible  
10 suspension or revocation and a civil penalty not to exceed  
11 \$1,000 per violation.